

REMARKS

In response to the communication of December 19, 2005, Applicants, through their representatives and attorneys, hereby elect Group I (e.g. Claims 1-44) without traverse. Applicants additionally elect the Species that covers the embodiment depicted in FIG. 6 and which includes brushless DC motors (e.g., Claims 18-28 and 43) with traverse, for at least the following reasons.

Reasons for Traversal

Initially, Applicant wishes to point out that this traversal is not an admission that any or all of the cited species are not independent, nor that any or all of the cited species are not patentably distinct from one another. However, Applicant does submit that the independent and patentably distinct species are related under the particular disclosure. Where, as here, "inventions as disclosed and claimed are both (A) species under a claimed genus and (B) related, then the question of restriction must be determined by both the practice applicable to the election of species and the practice applicable to other types of restrictions such as those covered in MPEP § 806.05 – 806.05(i)." See M.P.E.P. § 806.04(b). In accordance with this practice, when several patentably distinct inventions are disclosed as being related, the Examiner must establish reasons for insisting upon restriction. In particular, reasons for insisting upon restriction must be shown by an explanation of: (1) separate classification; (2) separate status in the art when classifiable together; or (3) a different field of search. See M.P.E.P. § 808-808.02. Applicants submit that such an explanation has not been provided, and further submit that one cannot be so provided.

The above traversal is based at least in part on the fact that, contrary to the allegation in the original restriction requirement of November 3, 2005, the application does indeed include one or more generic claims that cover each of the embodiments. Indeed, Applicants submit that at least Claims 18, 19, and 21-29 are generic to each of the disclosed Species.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the Election of Species Requirement, and further request examination of all of the presently pending claims.

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Respectfully submitted,

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